

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26152/2016 & WMP.Nos.22432 & 22433/2016

Narayane Transports
Pudukottai Main Road, RSGC Post
Thanjavur 613003, rep.by its
Managing Partner, Narayane
Jawahar Sakthivel

Petitioner

Versus

The Joint Registrar/Managing
Director, T-898, Thanjavur Cooperative
Marketing Federation Ltd.,
Tiruvarur 610001.

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records relating to the impugned proceedings issued by the respondent in Na.Ka.No.549/2015/F2 dated 26.12.2015 [served on 29.06.2016] and the subsequent impugned Tender Notification issued by the respondent through Paper Publication in Na.Ka.No.549/2015/F2 dated 13.07.2016 and to quash the same and consequently directing the respondent to confirm the tender for transport contract for movement of chemical fertilizer from Thanjavur TCMF Rail Head in favour of the petitioner as per the tender notification issued by the respondent in Na.Ka.No.549/2015/F2 dated 16.11.2015 and consequently, direct the respondent to issue work order in favour of the petitioner.

For Petitioner : Mr.G.Sankaran
For Respondent : Mr.R.Bala Ramesh, AGP [Coop.]

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner, aggrieved by the proceedings of the respondent in cancelling the tender process conducted on 14.12.2015 at 2.00 p.m. and issuance of fresh Tender Notification dated 13.07.2016, has come forward to file the present writ petition, challenging the legality of the same.

3 Mr.G.Sankaran, learned counsel for the petitioner would submit that since certain statutory provisions have been violated, the petitioner is constrained to approach this Court, by filing the present writ petition.

4 Per contra, Mr.R.Bala Ramesh, learned Additional Government Pleader [Coop.] who accepts notice on behalf of the respondent would submit that the petitioner is having an effective alternate remedy under section 11 of the Tamil Nadu Transparency in Tenders Act, 1998 and prays for dismissal of this writ petition.

5 This Court carefully considered the rival submissions and also perused the materials placed before it.

6 As rightly contended by Mr.R.Bala Ramesh, learned Additional Government Pleader appearing for the respondent, section 11 of the Tamil Nadu Transparency in Tenders Act, 1998, is the appellate remedy provided to the petitioner as he is aggrieved by the act of the respondent and since it is an effective alternate remedy, the petitioner is at liberty to avail the same.

7 Accordingly, the writ petition is dismissed and the petitioner is at liberty to file an appeal u/s.11 of the Tamil Nadu Transparency in Tenders Act, 1998, read with the rules framed thereunder. On filing of the appeal, if the papers are otherwise in order, the Appellate Authority is directed to entertain the appeal and pass orders in accordance with law as expeditiously as possible and not later than four weeks from the date of receipt of the appeal petition and communicate the decision taken, to the petitioner. The petitioner is also at liberty to participate in the impugned Tender process. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

AP

s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To
The Joint Registrar/Managing
Director, T-898, Thanjavur Cooperative
Marketing Federation Ltd., Tiruvarur 610001.

+ 1 cc to Mr.G.Sankaran, Advocate SR 42550

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